

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY SALAS,)	3:16-CV-0635-RCJ-CLB
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	April 9, 2020
)	
MICHAEL B. KOEHN, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE CARLA BALDWIN, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Two motions are currently pending. The court will address each motion in turn.

ECF No. 57 – Renewed motion for court order allowing plaintiff to have possession of medical records in accordance with NDOC AR 639

In this motion, plaintiff seeks to have the entirety of his medical records in his possession (ECF No. 57). Defendants opposed the motion (ECF No. 60). No reply was filed.

Although AR 639.03(1) prohibits inmates from possessing their medical records in their cell, exceptions may be made when an inmate is involved in a lawsuit pursuant to AR 639.02(8).¹ Plaintiff cites to an order in *Ross v. Sandoval* 2:17-CV-02386-APG-GWF (ECF No. 60) in which the District Court permitted the plaintiff to possess certain *dental* records after a substantial delay in letting the plaintiff review such records. This case is distinguishable from plaintiff's because plaintiff seeks his entire medical file whereas *Ross* sought only a certain portion of his *dental* file after a long delay following his request to view the file.

Plaintiff has not made a showing that he is unable to litigate this case utilizing the standard procedures for viewing and copying medical records that have been utilized by other similarly situated inmates litigating cases for years. Therefore, plaintiff's motion (ECF No. 57) is **DENIED**.

¹ Defendants note that AR 639 is currently under review and revisions have been suggested to eliminate the current exception in AR 639.02(8).

ECF No. 58 – Omnibus motion

Plaintiff filed this motion requesting service of process on unserved defendants (ECF No. 58). Defendants accepted service on behalf of all defendants in this case: Dr. Michael Koehn, Dr. Romeo Aranas, Gloria Carpenter, and Dawn Jones (ECF No. 56). An answer or other response is due on Wednesday, April 22, 2020. *Id.* Therefore, plaintiff's motion (ECF No. 58) is **DENIED as moot**.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

By: /s/
Deputy Clerk